

## AT THE CAPITOL.

## CORRESPONDENCE OF THE PACIFIC MAIL AND O. &amp; O. COMPANIES.

## Mr. Emmeluth Offers a Resolution.

## The Appropriation Bill Passed—A Petition from Japanese—Routine Business, etc., etc.

THURSDAY, Oct. 26th.

The councils convened at 1:52 P. M. There were present Ministers Damon, King and Smith; Councilmen Allen, Suhr, Waterhouse, Brown, Ena, Nott, Tenney and Bolte.

At 1:50 P. M. President Dole had not arrived, and twenty minutes later Minister Smith telephoned for him. The president requested that the council should proceed as the rules allowed, and that he would soon be there.

Attorney-General Smith said that the rules provided the senior member should take the chair, and he called upon Hon. W. F. Allen, who took the chair and called the councils to order.

The minutes of the previous meeting were read and after a minor correction were approved.

At this point President Dole arrived and took the chair.

Attorney-General Smith said the executive had received the following petition from a Japanese, which they wished to refer to the advisory council:

To their Excellencies F. M. HATCH, Vice-President and Minister of Foreign Affairs; S. M. DAMON, Minister of Finance; J. A. KING, Minister of Interior; W. O. SMITH, Attorney-General, and other honorable members of the Executive Council of the Provisional Government of the Hawaiian Islands.

SIR:—The undersigned, H. HARMAN, a Japanese by birth, residing on Munnaka street, Honolulu, Oahu, humbly petitions your honorable council:

That a law be made and approved for the licensing of bath houses to be erected in the city of Honolulu, Oahu, and the party taking out a license will also have to execute a bond for a reasonable sum; that he will not undertake to sell liquors privately or allow prostitution to be carried on, or any other nuisance, and if the bond is not properly fulfilled, his license be cancelled and the amount of his bond revert to the use of the government treasury.

Your humble petitioner is hereby willing to pay the sums of \$25 or \$35 for a license, or as your honorable council may decide for the good of the public.

And your humble petitioner will ever pray.

I have the honor,

Your humble and obedient servant,

H. HARMAN.

Honolulu, Oct. 24, A. D. 1893.

Attorney-General Smith moved it be referred to the judiciary committee.

Mr. Brown moved it be referred to the board of health.

After discussion of the question by Messrs. Smith, Emmeluth and Waterhouse the matter was referred to the judiciary committee.

Minister Damon read the weekly financial statement as follows:

FINANCE STATEMENT FOR WEEK ENDING OCTOBER 25, 1893.

Current Account Balance

October 18, 1893.....\$161,198 22

RECEIPTS.

Interior Department.....\$ 1,700 00

Customs.....11,180 00

Fines, Penalties and Costs.....425 95

Revenue Stamps.....71 00

San Francisco Consul Fees.....2,396 91

Water.....200 00

Post Office.....876 50

Brands.....25 00

Government Realizations.....70 50

Electric Light.....150 00

Taxes.....8,134 92

Hilo Water Receipts.....13 00

Sinking Fund.....1,497 50

\$ 26,739 28

\$187,937 50

EXPENDITURES.

Judiciary Department.....\$ 688 50

Department of Foreign Affairs.....1,391 76

Interior Department.....4,350 42

Miscellaneous.....

Honolulu Fire Department, \$137; Insane Asylum, \$9; Steam tugs, \$92.25.....238 25

Finance Department—Salaries, Incidentals, etc.....1,711 57

Interest.....2,466 00

Attorney-General's dept.....3,799 24

Bureau of Public Instruction.....955 83

General Expenses Provisional Government.....1,557 65

Road Tax—To Special Deposit.....2,916 00

School Tax—To Special Deposit.....2,807 00

Land Sales.....1,497 50

\$ 24,329 72

Total Treasury Balance, above date.....163,607 78

\$187,937 50

Outstanding Bonds.....	\$2,644,200 00
Due Postal Savings Bank.....	542,917 13
Treasury and P. M. G. Notes.....	229,000 00
	\$3,416,117 13
Net Indebtedness.....	\$3,416,117 13

## EXPLANATORY.

(This amount of \$162,590.78 has been advanced from current account for improvements under loan account, against which there has been repaid the amount of \$158,000.00 from bonds sold under the act of Jan. 11, 1893.)

Amount due Treasury this date from loan acct.....\$ 4,590 78

Postal Savings bank memo: this date.....\$ 542,917 13

Due depositors, P. S. bank this date.....

Notices this date of withdrawals maturing in October, November and December, 1893.....32,207 00

Cash on hand P. S. bank this date.....28,839 74

Expenses, Prov. Govt. memo: Exps. Prov. Govt. to date.....\$ 147,191 77

(This amount covers all expenses, including military and items not appropriated by the last Legislature.)

Memo., cash in Treasury: Outstanding Certificates, \$284,000.00.

Certificates withdrawn from circulation and deposited for safe keeping \$28,000.00.

Cash in Treasury to redeem certificates, \$284,000.00.

Cash on hand, Postal Savings bank.....28,839 74

Road Board fund in Treasury.....54,410 62

School Board fund in Treasury.....55,791 88

Available cash, as above.....163,607 78

\$ 302,650 02

Finance Department, Oct. 25, 1893.

At the conclusion of the report Mr. Damon stated he had asked the auditor-general to approve all floating debts up to October 1, 1893.

Mr. Brown reported from the judiciary committee as follows:

To the President of the Executive and Advisory Councils of the Provisional Government:

SIR:—The judiciary committee to whom was referred the resolution to report upon the advisability of amending the law so that both terms of the circuit court of the second judicial circuit shall be held at Walluku, on the island of Maui, beg leave to report:

While in the opinion of the committee it is advisable that the proposed change be eventually made, that in view of the near approach of the time for holding the next term of said Court, it is properly best that the change should not be made at present.

And therefore recommend that further action in the premises be deferred for the present.

Respectfully submitted,

CECIL BROWN,

W. F. ALLEN,

W. O. SMITH.

Honolulu, Oct. 25, 1893.

The report was adopted.

He also reported from the same committee the following amended bill relating to the marking of animals which was laid on the table to be considered with the original bill:

ACT—

AN ACT RELATING TO THE REGISTRATION OF MARKS ON ANIMALS.

Be it enacted by the Executive and Advisory Councils of the Provisional Government of the Hawaiian Islands:

SECTION 1. From and after the first day of January, A. D. 1894, all registration of ear marks or other marks (except brands), shall be and the same are hereby cancelled; and from and after the first day of January, A. D. 1894, no ear marks or other (except brands), shall be registered.

Sec. 2. This Act shall take effect from the date of its publication.

He also asked further time for the judiciary committee on the matter of separating the offices of president from that of minister of foreign affairs. He pointed out that the matter involved grave legal questions. Mr. Hatch, one of the members of the committee, was absent on the island of Maui, and as the report needed the careful attention of all the members he asked for further time.

Granted.

Attorney-General Smith presented the following correspondence from the Pacific Mail and Occidental and Oriental steamship companies:

HONOLULU, October 21st, 1893.

His Excellency SANFORD B. DOLE, Minister of foreign affairs.

SIR:—We herewith beg to hand to your excellency a copy of a communication received by us from the O. & O. S. S. Co., relating to Chinese passengers refused landing at this port by reason of having fraudulent passports.

Lately it has occurred that always one or two Chinese were refused to land here, which men had to be carried on to San Francisco; but you will see by the enclosed letter that in case of any contagious disease having occurred during the passage on board of such steamer these passengers would bring the companies in great embarrassment, which might result in the laying up of a steamer for a month or longer, on account of quarantine.

For this reason we beg to request your excellency to give this matter your kind consideration, and we hope that exceptions will be made in cases of any contagious disease being on board and all the passengers for this port be allowed to land here.

We are your excellency's most obedient servants,

H. HACKFELD & Co.,

Per E. SUHR,

Agents O. & O. and P. C. S. S. Co's.

[COPY.]

Occidental & Oriental Steamship Co., General Office,

San Francisco, Oct. 6, 1893.]

MESSRS. H. HACKFELD & Co., agents O. & O. S. S. Co., Honolulu, H. I. GENTLEMEN: When our steamers call at Honolulu on the homeward voyage they are, as you are aware, compelled every voyage to bring forward to San Francisco one or more Chinese, booked from Hongkong to Honolulu, on account of being refused a landing at the latter port by reason of having mislaid passports.

The department at Washington has instructed the collector of the port of San Francisco that when a vessel arrives at this port with contagious disease on board, or having occurred on the voyage, any Chinese steerage passengers refused a landing at Honolulu would not be allowed to land at the government quarantine station; further, that these passengers would have to be kept on board the steamer in quarantine—that is to say, we would not even be allowed to transfer them to water craft. This decision is made on the grounds that such landing would be a violation of the exclusion act.

You can readily see what an embarrassing position this decision places us in. In case a ship arrived with small pox or other contagious disease; and one or more of the passengers referred to on board, it would mean a total disruption of our schedule and quite likely the laying up of a steamer for a full voyage, and it has occurred to us that when a ship arrived at Honolulu with contagious disease on board, you might arrange with the health authorities to care for such Chinese as are not legally entitled to land at Honolulu. That is, said Chinese to be put into quarantine, you giving a bond, on behalf of the company, that we will pay all expenses incident to their care, and agreeing to call for them, say within sixty days, and take them back to Hongkong. We would, if necessary, send the ship back via Honolulu to pick these passengers up. Mr. Center has asked me to say to you that you may consider this letter as on joint account for Pacific Mail and O. & O. S. S. companies.

By the Oceanic we will write Mr. Van Buren to instruct the ship's people to examine all the Honolulu passports just after leaving Hongkong and compare them with the holders, and in case any of them are not valid, to land the holders at Yokohama, to be returned to Hongkong in due course.

Yours truly,

[Signed] D. D. STUBBS, Secretary.

After reading the correspondence the attorney-general said the executive had carefully considered the matter and did not feel disposed to grant the request. The company had discriminated against the port and people of Honolulu by refusing to take freight and by lately raising the fares for passenger traffic between here and San Francisco. He did not think, under the circumstances, they had a right to ask any favors of this government. While they thus far had no official statement of the discriminations mentioned there was no doubt of their existence. Without considering the legal phases and difficulties which would certainly arise if the request were granted, he wished to emphasize the fact that under the circumstances the executive did not feel disposed to grant the request.

Mr. Suhr said he wished to call attention to the fact these steamers had called here for the past ten years. He wished to say the steamers had never refused freight and if it could be offered in sufficient quantity he had no doubt arrangements could be made with the company for taking it to San Francisco. As to the raising of fares all that he had to say was the company had a right to raise its fares if it saw fit. If they gave better accommodation they had a right to charge more. Mr. Hackfeld had inquired in San Francisco as the reason for raising the fares and this was what they had told him.

The attorney-general said that where cases of humanity required all the companies asked would be granted, but otherwise he was opposed to granting the privileges asked.

Mr. Brown said it was his opinion that should the request be granted it would raise the same troubles here that the United States authorities were now fighting. There would be a continuous run of law suits and habeas corpus cases. As high as eighty to ninety Chinese passengers would be landed here as in the past. How would the government be able to get them out of the country after they were once landed?

President Dole said the only protection the government would have would be the guarantee of the companies.

Mr. Brown pointed out that such a guarantee would not bind the Chinese landed and prevent law suits. He moved the action of the executive be approved.

The attorney-general said the matter had been laid before the council as one of information.

Mr. Brown withdrew his motion.

Mr. Emmeluth said he had a resolution to offer. He was particular to state it was based upon his individual observation at the drill held the night before. He thought the resolution was a just measure, and it should pass. He would read as follows:

Resolved, That all employees of this government under forty-five years of age shall within ten days enroll themselves in some one of the volunteer military companies, and those over the age specified shall enroll themselves in the citizens' guard.

The attorney-general explained the resolution was not clear, and even if passed would have to be modified. He pointed out that lady school teachers could not be expected to join the militia.

Mr. Waterhouse moved to refer the resolution to the executive.

Mr. Emmeluth hoped it would not be referred to the executive; they had had a similar resolution in hand six months, and had done nothing with it. He thought it would be time thrown away to refer it to that body.

Attorney-General Smith inquired what resolution Mr. Emmeluth referred to.

Upon explanation, Mr. Brown claimed the terms of the resolution had been carried out. He hoped the resolution would go to the executive, and he also hoped they would put their foot on it and show those who were attempting to dictate to the government that this policy could not go further. He mentioned that in the governments of the world no such move

would be thought of or attempted. The policy was peculiar to Hawaii.

Mr. Emmeluth said, in a suppressed and very earnest tone, that there were many other things which could be found in this country not found in others. It was his opinion that if the policy of the past was followed in the future it would not be long before the gentleman would have ample time to reflect on the results of the plan he was backing.

Mr. Brown said he was fully satisfied with the manner in which the Provisional government was conducting affairs. He read from the original proclamation of the government in last January where all officers were requested to hold their offices. These officers were afterwards required to take the oath of allegiance to the Provisional government. To adopt the policy now offered would be throwing the oaths of these officers into their faces. As far as he was himself concerned, he was as strong an annexationist as there was in the islands; but he was opposed to this policy. The evident intent of this resolution was, that every person who holds office who has not joined the annexation club should give place to someone who has. He believed that if the matter was put to a vote in the annexation club it would be voted down. He said this on personal conversations he had had with the members of that organization.

Mr. Emmeluth thought it was out of order and he agreed with Mr. Waterhouse that the annexation club was not before the house. This was an attack upon the annexation club.

President Dole said he did not think Mr. Brown had gone outside the rules and courtesies of debate; he did not think Mr. Brown's remarks could justly be considered as an attack upon the annexation club.

Attorney-General Smith said he thought the discussion of this matter should be approached without passion or prejudice. The sacrifices of many had already been made and the reserve force was especially to be commended. The present resolution had been presented in good faith and should be received in the same spirit. Careful consideration should be given the matter. He explained the difference between employees and office holders. It was his opinion the matter should go to a committee for investigation and report.

The resolution was referred to the military committee.

President Dole asked when Mr. Wilder would return.

Mr. Allen said he would be here on the Australia.

The appropriation bill providing for additional expenses of the Provisional government was passed second reading.

Mr. Brown moved the bill providing for an extension of the franchise of the Oahu Railway and Land Co. be laid upon the table until next meeting. Carried.

The amended bill on the marking of animals was passed first reading.

At 2:54 the councils adjourned.

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Net Income.....9,079,000  
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1882-q

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-OF HAMBURG-

Capital of the Co. and Reserve, Reichs-  
marks.....6,000,000  
Capital their Re-Insurance Companies.....101,850,000  
Total.....Reichsmarks 107,850,000

NORTH GERMAN

Fire Insurance Company,

-OF HAMBURG-

Capital of the Co. & Reserve Reichs-  
marks.....8,500,000  
Capital their Re-Insurance Companies.....35,000,000  
Total.....Reichsmarks 43,500,000

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